HONOURABLE SRI JUSTICE D.S.R.VARMA

AND

HONOURABLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.11192 OF 2006

Dated:15.06.2006

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Ch.China Venkata Rao

…Petitioner

The Station House Officer, Chodavaram Police Station,

Chodavaram, Visakahpatnam and four others.

…Respondents

HONOURABLE SRI JUSTICE D.S.R.VARMA

AND

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TAKEN UP WRIT PETITION NO.11192 OF 2006

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ORAL ORDER: *(per Hon'ble Sri Justice D.S.R.Varma)*

Heard the learned Government Pleader for Home, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 27.05.2006, sent to this Court by one Ch.China Venkata Rao, R/o Chodavaram, Visakhapatnam District, *inter alia*, alleging that his daughter by name Kalyani Sandhya, aged about 15 years, was kidnapped and the parents of the accused-Duddu Rajesh had encouraged the accused for committing the offence.

3. Upon receipt of notice, the first respondent-Sub-Inspector of Police, Chodavaram Police Station, filed counter-affidavit, *inter alia,* stating that on 25.05.2006, the petitioner lodged a complaint with Chodavaram Police Station, Visakhapatnam District, alleging that his daughter was missing with some amount of gold on her person and requested for necessary action; that basing on the said complaint, a case in Crime No.66 of 2006 was registered by Chodavaram Police under Section-363 read with Section-109 of Indian Penal Code (hereinafter referred to as I.P.C.) on 25.05.2006, and investigation was taken up. It is further stated that during the course of investigation, the petitioner's daughter was found along with one Duddu Rajesh at Anakapalli on 29/30.05.2006 and both were brought to the Chodavaram Police Station at 2 a.m.; that the statement of the kidnapped girl-Kalyani Sandhya was recorded. It appears that in the statement, she stated that she fell in love with one Duddu Rajesh and voluntarily went along with him to get married and that nobody much less the parents of Duddu Rajesh are responsible for the offence of kidnapping. Consequent on the said statement, the Section of law was altered from Section-363 read with Section-109 I.P.C. to Section-366-A read with Section-109 I.P.C. on 30.05.2006 and to that effect a memo was also submitted to the Additional Judicial First Class Magistrate, Chodavaram. It is further stated that the said Sandhya i.e., daughter of the petitioner was handed over to her parents on 29/30.05.2006; that the accused in the said case by name Duddu Rajesh and Palla Ganesh were arrested on 30.05.2006 and 01.06.2006 respectively.

4. In the light of the above facts stated in the counter-affidavit of the first respondent, we do not find any merit in the writ petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed at the stage of admission.

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D.S.R.VARMA, J

15.06.2006

DR

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P.SWAROOP REDDY, J